

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Conway	Team: Team # 6	CCRB Case #: 201310057	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 10/21/2013 8:00 AM	Location of Incident: § 87(2)(b)	Precinct: 71	18 Mo. SOL 4/21/2015	EO SOL 4/21/2015	
Date/Time CV Reported Mon, 10/21/2013 2:40 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/25/2013 2:07 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Chin	16062	948524	071 PCT
2. POM Ralph Pabon	12553	939159	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Matthew Weinstein	19780	931410	071 PCT
2. POM Nicholas Guele	24876	950540	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Chin	Force: PO Daniel Chin used physical force against § 87(2)(b)	
B.POM Ralph Pabon	Force: PO Ralph Pabon used physical force against § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On October 21, 2013, PO Timothy Donohue of the 71st Precinct called and filed this complaint with IAB by phone on behalf of complainant § 87(2)(b) generating original log #13-44706. The complaint was received at the CCRB on October 25, 2013. § 87(2)(b) stated that around 8:00 a.m. on October 21, 2013, she called 911 requesting EMS for her mentally ill grandson § 87(2)(b) who was cutting up his clothes with scissors and refusing to speak. Four officers of the 71st Precinct responded to her home at § 87(2)(b) § 87(2)(b) in Brooklyn, and the following allegations resulted:

Allegation A—Force: PO Daniel Chin used physical force against § 87(2)(b)

Allegation B—Force: PO Ralph Pabon used physical force against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) s old on the incident date. She is a black female who is 5'4 and weighs 143 pounds with black hair and brown eyes.

CCRB Testimony

On November 18, 2013, § 87(2)(b) was interviewed at her home at § 87(2)(b) § 87(2)(b) in Brooklyn (encl. 6a-d).

§ 87(2)(b) is the guardian of her adult grandson § 87(2)(b) who suffers from schizoaffective disorder among other mental conditions. When § 87(2)(b) is in the midst of an episode, which happens when he does not take his medication, he paces back and forth, dances with himself, and refuses to speak or answer any questions. § 87(2)(b) occasionally must call an ambulance when § 87(2)(b) is in the midst of an episode.

On the morning of October 21, 2013, § 87(2)(b) was off his medication and experiencing a schizoid episode. He cut up his clothes with scissors, which is something he does when he is sick, and was pacing and not answering any questions from § 87(2)(b) § 87(2)(b) called the ambulance to take § 87(2)(b) to the hospital; she told the 911 dispatcher that there were no injuries or weapons, and that § 87(2)(b) was very docile. Around 8:00 a.m., six police officers arrived outside her apartment at § 87(2)(b) the ambulance had not arrived yet. PO Daniel Chin and an officer that the investigation identified as PO Matthew Weinstein entered the building while the other officers stayed back. § 87(2)(b) looked at both officers' names and shields, but could only remember the name of PO Chin; other officer testimony indicated that PO Weinstein was the first officer to enter the apartment. § 87(2)(b) led PO Chin and PO

Weinstein inside and she explained that § 87(2)(b) was not going to answer any of their questions.

§ 87(2)(b) opened the door and stepped to the left into the living room; § 87(2)(b) was standing to the right in the hallway which led to his bedroom. He was standing there, not moving, and not speaking or answering questions. PO Chin entered the hallway and asked § 87(2)(b) what his name was, while an officer the investigation has identified as PO Nicholas Guele looked through the crack of the door and doorframe to observe § 87(2)(b). An officer the investigation has identified as PO Ralph Pabon then stepped into the hallway closer to PO Chin, standing in front of § 87(2)(b). The officers asked § 87(2)(b) his name but he refused to answer. PO Chin then counted down, “Three, two one,” and then PO Chin and PO Pabon both grabbed § 87(2)(b) and threw him onto the ground in the hallway. As soon as he had laid hands on § 87(2)(b) PO Chin began shouting “Stop resisting.” § 87(2)(b) became upset, shouted at the officers, and jumped up and down, saying “Please, oh god, he didn’t do nothing, why are you saying stop resisting.”

PO Chin and PO Pabon handcuffed § 87(2)(b) and they dragged him into the living room, as they needed to first close the door to allow him to get past. They then dragged him into the foyer, which was a room which several apartments opened onto, with a stairway to the upper floors about 15 feet away. Because of the sounds of the commotion and § 87(2)(b) shouting, people had gathered on the stairs and in the foyer, observing what was happening. PO Chin and PO Pabon laid § 87(2)(b) down on the floor of the foyer; the other officers and two EMTs now came into the foyer to observe what was happening. § 87(2)(b) was still shouting and exclaiming, and PO Chin looked at her angrily and asked her if she wanted to “go down” too.

§ 87(2)(b) thought PO Chin was very unprofessional. § 87(2)(b) kept shouting, and PO Chin asked her why § 87(2)(b) lived with her and not his mother; § 87(2)(b) shouted that it was none of his business. The EMTs and officers transported § 87(2)(b) to Kings County Hospital, but § 87(2)(b) did not go with them because she could not bear to face § 87(2)(b) in the hospital as she was so upset. § 87(2)(b) went straight to the 71st Precinct stationhouse to file a complaint.

§ 87(2)(b) did not say anything during the entire incident, and § 87(2)(b) did not make any physical contact with the officers. The whole incident lasted about 8 minutes. § 87(2)(b) testified that the officer who first entered the apartment, the officer who peered through the crack in the door, and the officer who helped PO Chin take § 87(2)(b) into custody all were the same person. She described this officer as a uniformed white male in his 30s, muscular, around 6’0, with very light skin.

Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old on the incident date. He is a black male who stands at 5’10 weighing 150 pounds, with black hair and brown eyes.

CCRB Testimony

On November 18, 2013, § 87(2)(b) was interviewed at his home at § 87(2)(b) in Brooklyn (encl. 7a-d)

§ 87(2)(b) could not recall some details of the incident, as he was having a mental health episode at the time of the incident. When he has episodes like this, he acts “irrational” and it affects his memory. § 87(2)(b) said the last time he was hospitalized for his mental health it was June 2013, and that time he had called the ambulance on himself. On the morning of October 21, 2013, § 87(2)(b)’s grandmother § 87(2)(b) had called the ambulance, and § 87(2)(b) Jacobs was upset because of this.

§ 87(2)(b) was walking to the back bedroom when behind him he saw § 87(2)(b) at the door talking to police officers. § 87(2)(b) moved back and officers that the investigation have identified as PO Chin and PO Pabon entered the hallway, although because the door was open they were partially blocked from § 87(2)(b). The officers spoke to him, although § 87(2)(b) could not recall what they were saying. PO Chin and PO Pabon both told § 87(2)(b) to come to them, but he did not respond, nor did he move. PO Chin reached out from behind the door to grab § 87(2)(b) with his arm, but § 87(2)(b) twisted back and refused to be taken into custody. Both PO Chin and PO Pabon laid hands on § 87(2)(b) and took him down to the ground, although § 87(2)(b) could not recall if he was face-first or back-first on the ground. § 87(2)(b) was resisting, but he stopped resisting once he was handcuffed.

PO Chin and PO Pabon took him into the foyer, although § 87(2)(b) could not recall how they took him outside; he believed for a moment they carried him, but he was definitely not walking. The officers put him on the ground in the hallway, and more officers and the EMTs came up the stairs from outside. The officers uncuffed him so that the EMTs could transport him down to the ambulance in a stairchair. They removed him to a stretcher and transported him to § 87(2)(b) Hospital, with another officer he could not identify riding in the ambulance with the EMTs. § 87(2)(b) was not injured as a result of the incident. § 87(2)(b) did not recall what the officers' demeanors were like, or any commands they were giving him. § 87(2)(b) did not recall anything else that was said or done during the incident.

§ 87(2)(b) described the officer who first grabbed him as an uniformed Asian male officer in his 30s, short, and pudgy. He described the second officer who helped handcuff him as a uniformed white male officer in his 30s, with dirty blond hair in a crew cut.

NYPD Statements:

Subject Officer: PO DANIEL CHIN

- *PO Daniel Chin was § 87(2)(b).*
- *PO Chin worked from 7:00 a.m. to 4:00 p.m. on October 21, 2013. He was assigned to sector patrol and was in uniform working with PO Nicholas Guele.*

Memo Book

PO Chin indicated in his memo (encl. 8b-d) book that at 8:02 a.m. on October 21, 2013, he was dispatched to an EDP with scissors at § 87(2)(b) in Brooklyn. By 9:29 a.m. the situation was cleared – § 87(2)(b) had been restrained with handcuffs upon arrival, and the grandmother had said he was not taking his medication. § 87(2)(b) started throwing his hands and he was cuffed for officer safety. § 87(2)(b) also fought with the hospital staff upon arrival and had to be restrained again. § 87(2)(b) was not verbal during this incident.

CCRB Testimony

On December 4, 2013, PO Chin was interviewed at the CCRB (enc. 8e-f).

At 8:02 a.m. on the incident date, PO Chin received a radio run for an EDP with scissors inside an apartment at § 87(2)(b). About three minutes later at 8:05 a.m. PO Chin arrived on the scene with his partner PO Nicholas Guele, along with PO Matthew Weinstein and PO Ralph Pabon. They walked inside the building, and made contact with the complainant, who was the grandmother of the patient. PO Weinstein was first at the door, followed by PO Chin and then PO Pabon; PO Guele stood outside. The grandmother, § 87(2)(b) said that her grandson, § 87(2)(b) was not taking his medication and was cutting up his clothes, but also said that she called for EMS and not the police. PO Chin told her that police must respond automatically for

EDP cases to make sure there is no crime in progress. After questioning § 87(2)(b) the officers found § 87(2)(b) behind the front door, and somewhat obscured due to the dim light in the apartment. PO Guele shined his flashlight through the crack between the doorframe and door while the other officers began to question § 87(2)(b).

§ 87(2)(b) had an angry expression on his face, but he was not making any movements. He refused to respond to any of the officers' inquiries, and he seemed like he was "not all there." His hands were in his pants pockets, and he had a cast on his left wrist (PO Chin was not certain that it was the left wrist). For five minutes the officers asked him to take his hands out of his pockets and to talk to them about what was going on, and to try and calm him down. § 87(2)(b) then suddenly took his hands out of his pockets and quickly crossed them across his torso, so the officers could not see if he was holding anything in his hands. PO Chin did not know if he was carrying scissors, or where the scissors from the initial job description was. § 87(2)(b) was calm, and told the officers that § 87(2)(b) was not on his medication and that he does this all the time.

About ten more minutes went by, and PO Chin made a gesture to § 87(2)(b) for him to come forward. § 87(2)(b) then suddenly threw his hands up in the air, and PO Chin pushed him away for officer safety. Due to the push, § 87(2)(b)'s body pressed against the wall, and PO Chin seized the opportunity to grab § 87(2)(b)'s left arm with both of his hands. PO Chin pulled § 87(2)(b) down to the ground while PO Pabon grabbed § 87(2)(b)'s right arm. PO Chin handcuffed § 87(2)(b). § 87(2)(b) resisted, twitching and twisting his body, but he did not attempt to strike any officers nor did he speak at any point. Because he refused to move, PO Chin and PO Pabon had to grab him under his arms and legs and drag him out of the apartment into the hallway.

In the hallway, the officers attempted to get § 87(2)(b) to sit up or stand, but he refused; the officers asked him if he wanted to sit on a nearby staircase, but he was noncompliant, and lay down on the floor and refused to move. Another 10-15 minutes passed while the officers waited for EMS to arrive; one of § 87(2)(b)'s family members arrived on the scene and convinced § 87(2)(b) to sit up. § 87(2)(b)'s demeanor was calm this entire time, and at no point did she have an adversarial interaction with the officers, nor did any officer threaten her with arrest. Ten minutes after, maybe around 8:50 a.m., EMS arrived and because § 87(2)(b) was noncompliant, the officers and EMTs had to lift him into the stairchair to bring him outside. PO Chin asked § 87(2)(b) if she wanted to come in the ambulance, and she said she did not want to go.

At § 87(2)(b) Hospital Center, they uncuffed § 87(2)(b) but he immediately began pushing the hospital staff, so he was once again restrained. § 87(2)(b) did not sustain any injuries during the encounter. PO Chin did not find any pair of scissors on his person or locate where the scissors from the initial radio run were.

Subject Officer: PO RALPH PABON

- *PO Ralph Pabon was § 87(2)(b).*
- *PO Pabon's tour on October 21, 2013, was from 7:05 a.m. to 3:40 p.m. He was assigned to sector patrol and was in uniform working with PO Matthew Weinstein.*

Memo Book

PO Pabon had no pertinent memo book entries for this incident (encl. 9a-b).

CCRB Testimony

On December 18, 2013, PO Ralph Pabon was interviewed at the CCRB (encl. 9c-d).

Around 8:00 a.m. on October 21, 2013, PO Pabon heard a radio run come over for an EDP with a knife at § 87(2)(b) later identified as § 87(2)(b). PO Chin's sector was

responding, but PO Pabon and his partner PO Weinstein responded to the scene as well to provide backup for PO Chin and his partner. When the four officers arrived at the location, they went to the apartment where § 87(2)(b) let them inside. PO Pabon recognized a photograph of § 87(2)(b) and identified her as § 87(2)(b)'s relative who let them inside. § 87(2)(b) seemed upset and uncooperative, although PO Pabon could not recall what she said. PO Weinstein first saw § 87(2)(b) in a hallway behind the door, and he stepped back out of the hall because the § 87(2)(b) was obscured from view.

PO Chin spoke to § 87(2)(b) because he had dealt with him previously, and PO Pabon stood next to PO Chin. PO Weinstein and PO Chin's partner were behind them. § 87(2)(b) was standing there looking upset, and he did not respond to anything PO Chin was saying. It seemed as if he were listening, but did not want to respond. His hands were in his pockets, and PO Chin repeatedly asked him to take his hands out of his pockets. PO Chin was the only officer speaking to § 87(2)(b) they spoke for a while, with § 87(2)(b) refusing to answer any of PO Chin's questions. Eventually, PO Chin ordered § 87(2)(b) to put his hands behind his back, which § 87(2)(b) also refused to do. PO Chin grabbed § 87(2)(b) by the left arm and pulled it from his pocket, placing handcuffs on it. As he did this, PO Pabon grabbed § 87(2)(b) by his right arm, and together with PO Chin they placed both his arms in handcuffs. § 87(2)(b) resisted by flailing his arms and tensing his body. PO Chin and PO Pabon took § 87(2)(b) outside, although he could not recall how they did this. § 87(2)(b) was not injured, nor did PO Pabon recall seeing any prior injury.

Outside in the hallway, § 87(2)(b) remained upset and uncooperative. With her grandson handcuffed, § 87(2)(b) also seemed to grow more upset, and was not listening to the officers' questions. PO Chin asked § 87(2)(b) which hospital to take § 87(2)(b) to, and she did not respond and ignored the question. PO Chin never threatened § 87(2)(b) with arrest. The officers tried to get § 87(2)(b) to put on a pair of sneakers and he refused. A family member came to the scene shortly (PO Pabon believed it was his sister) and she helped put the sneakers on. The officers searched § 87(2)(b) and did not find a scissors or any other weapon. It took a long time for EMS to come, and when they finally arrived, PO Pabon and PO Weinstein left. As they were leaving, EMS and the other officers were trying to put § 87(2)(b) into the stairchair, but PO Pabon left before he was transported outside. The entire time, § 87(2)(b) made no statements verbally.

Witness Officer: PO MATTHEW WEINSTEIN

- *PO Matthew Weinstein was § 87(2)(b).*
- *PO Weinstein's tour on October 21, 2013, was from 7:05 a.m. to 3:40 p.m. He was assigned to sector patrol and was in uniform working with PO Ralph Pabon.*

Memo Book

In his memo book PO Weinstein indicated that on October 21, 2013, he responded to § 87(2)(b) § 87(2)(b) in Brooklyn at 8:10 a.m. for an EDP with a knife. At 8:40 a.m. EMS had arrived and transported the EDP to § 87(2)(b) (encl. 10a-c).

CCRB Testimony

On December 20, 2013, PO Matthew Weinstein was interviewed at the CCRB (encl. 10d-e).

PO Weinstein and his partner PO Pabon responded to § 87(2)(b) with PO Chin and his partner, whose name PO Weinstein did not know. PO Weinstein was the first to approach

the door of the apartment. He knocked on the door, and it was answered by § 87(2)(b) who was the grandmother of § 87(2)(b) the EDP. PO Weinstein was shown a photograph of complainant § 87(2)(b) but he did not recognize her. He was also shown a photo of § 87(2)(b) but he also did not recognize him. PO Weinstein said the apartment was dark so it was not easy to see details. PO Weinstein inquired to § 87(2)(b) about the situation and she stated that § 87(2)(b) was off his medication. PO Weinstein asked § 87(2)(b) where § 87(2)(b) was, but § 87(2)(b) did not know. PO Weinstein walked around the apartment, and observed § 87(2)(b) “hiding” in darkness standing behind the open front door in a hallway. The front door swings open to the right and § 87(2)(b) was standing behind it, obscured by the door and by the darkness. Seeing him startled PO Weinstein, and he backed out of the apartment.

Moments later, all four officers entered the apartment, and PO Chin and PO Pabon stood closest to § 87(2)(b). PO Weinstein and PO Chin’s partner stood behind. Only PO Chin spoke to § 87(2)(b) who was standing there in the darkness; PO Weinstein could not see where his hands were. PO Chin spoke conversationally to § 87(2)(b) trying to find out what was going on. They spoke for a few minutes, and § 87(2)(b) was not responsive and uncooperative. He did not speak at all to any officers or answer their questions. PO Chin reached out and grabbed § 87(2)(b) by the arm to handcuff him for officer safety, and § 87(2)(b) tried to push PO Chin and flailed his arms. His demeanor was clearly emotionally disturbed. PO Chin and PO Pabon both grabbed § 87(2)(b) and successfully handcuffed him; PO Weinstein could not recall how § 87(2)(b) was removed from the apartment. § 87(2)(b) was not injured during the handcuffing, nor did PO Weinstein observe any prior injury on him.

PO Chin and PO Pabon took § 87(2)(b) into the hallway outside, which was bigger and better-lit. § 87(2)(b) sat down on the floor and they all waited for EMS to arrive. After § 87(2)(b) was handcuffed § 87(2)(b) grew more agitated, but PO Weinstein could not recall if she was upset with the officers or upset over the situation in general. PO Chin asked § 87(2)(b) if she wanted to “come down” to the hospital as well, but PO Weinstein could not recall what she responded with. They did not have a verbal dispute. After 10 minutes EMS arrived, and PO Weinstein and PO Pabon left the scene.

Officers not interviewed

PO Nicholas Guele was not interviewed, as the testimony from the other officers was sufficient to understand the circumstances of the incident, and by all accounts PO Guele did not have physical contact with the complainant or victim.

Medical records (encl. in blue medical folder)

Some of § 87(2)(b)’s medical records were provided by § 87(2)(b) on the date that she and § 87(2)(b) were interviewed at their home in Brooklyn. These records indicated that § 87(2)(b) was diagnosed with schizoid disorder and had been hospitalized several times in the past for this condition. The full medical record was subpoenaed from § 87(2)(b) and was received December 18, 2013. This full record goes into more detail about § 87(2)(b)’s condition, the incident of October 21, 2013, and § 87(2)(b)’s statements in regards to § 87(2)(b) physically attacking staff at the hospital, and engaged in a fight with other patients while in the psychiatric unit. § 87(2)(b) did not report to medical personnel that any officers used force against him and no injuries were diagnosed as a result of the incident.

Status of Civil Proceedings

- As of January 3, 2014, neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the Office of the Comptroller (encl. 12a).

Civilian Criminal History

- Office of Court Administration records reveal no criminal history for § 87(2)(b) or § 87(2)(b) (encl. 11a-b)

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 2c-d).

Subject Officers CCRB History

- PO Daniel Chin has been a member of the service for 3 years and there are no substantiated CCRB allegations against him (encl. 2b)
- PO Ralph Pabon has been a member of the service for 8 years and there are no substantiated CCRB allegations against him (encl. 2a)

Conclusion

Identification of Subject Officer

§ 87(2)(b) identified PO Chin by name as the officer who initially grabbed § 87(2)(b) to handcuff him, and described him as an Asian male officer. § 87(2)(b) provided a consistent physical description of the first officer who grabbed him. PO Chin, an Asian male, admitted he was the officer who spoke to § 87(2)(b) and § 87(2)(b) and who was the first to seize hold of § 87(2)(b) to handcuff him. **Allegations A** is therefore pleaded against PO Chin.

Both § 87(2)(b) and § 87(2)(b) believed it was only two officers who entered the apartment and interacted with them, while the officers stated that there were four in total. § 87(2)(b) said the officer accompanying PO Chin was a uniformed white male in his 30s, muscular, 6'0, with unknown hair, seemingly describing PO Weinstein. § 87(2)(b) described the second officer as a uniformed white male in his 30s, dirty blond hair, crew cut; it is not known what officer this referred to. § 87(2)(b) said the second officer entered first, looked through a crack in the door, and seized § 87(2)(b). PO Chin said it was PO Guele who shone the flashlight and PO Pabon who helped handcuff § 87(2)(b). Because all the officers stated that PO Weinstein was the first officer at the door to enter and speak to § 87(2)(b) she might have been confused. All the officers' testimony was consistent that it was PO Chin and PO Pabon who physically took hold of § 87(2)(b) and handcuffed him. PO Pabon admitted he helped handcuff § 87(2)(b) and said it was only he and PO Chin who took part in the handcuffing due to the constricted nature of the tight hallway. **Allegation B** is therefore pleaded against PO Pabon.

Investigative Findings and Recommendations

Allegations not pleaded

§ 87(2)(b) alleged that in her hallway and in the presence of the other officers and two EMTs, PO Chin asked her if she wanted to "go down." § 87(2)(b) interpreted this as PO Chin threatening her with arrest due to her shouting at him. The threat to "go down" that she ascribed to PO Chin is vague and subject to § 87(2)(b) personal interpretation, and does not necessarily imply arrest. All three officers said that there was no verbal argument between § 87(2)(b) and officers. All three officers denied any threat of arrest, but they all consistently said that PO Chin asked § 87(2)(b) if she wanted to come down to the hospital. Depending on the wording that PO Chin used, § 87(2)(b) in her agitation might have misheard PO Chin's question regarding the hospital as an invitation to "go down" to the precinct instead. A threat of arrest is therefore not pleaded.

Allegation A—Force: PO Daniel Chin used physical force against § 87(2)(b)

Allegation B— Force: PO Ralph Pabon used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Chin and PO Pabon took § 87(2)(b) to the floor, handcuffed him, and dragged him into their foyer. § 87(2)(b) stated that he was in the middle of a schizophrenic episode and he could not recall what the officers were saying to him prior to his handcuffing. When PO Chin laid his hand on him, § 87(2)(b) twisted back and resisted. § 87(2)(b) was taken to the ground, and stated that he stopped resisting as soon as he was handcuffed.

All three officers that were interviewed recalled that they were responding to a radio run for an EDP with a sharp weapon (either a scissors or knife) and that § 87(2)(b) had told them he was cutting his clothes up with scissors. PO Chin observed § 87(2)(b) with his hands in his pockets, and stated that § 87(2)(b) refused multiple commands to remove his hands from his pockets. PO Chin and PO Pabon took him to the ground and handcuffed him, and § 87(2)(b) resisted by twisting and twitching his body. PO Chin recalled that because § 87(2)(b) refused to move, he and PO Pabon had to grab him and lift him under his arms and legs and dragged him into the foyer. § 87(2)(b) remained mute and noncompliant, and at § 87(2)(b) he assaulted members of the staff.

PO Pabon's testimony was consistent with PO Chin's; he stated that § 87(2)(b) refused multiple commands to take his hands out of his pockets, and upon PO Chin and PO Pabon seizing him, he tensed his body and flared his arms. PO Pabon could not recall how § 87(2)(b) was removed to the foyer, but he stated that § 87(2)(b) was not injured nor did he observe any prior injury. PO Weinstein did not see § 87(2)(b)'s hands as he was "hiding in the dark" but he observed § 87(2)(b) trying to push PO Chin away and flailing his arms upon being handcuffed. All three officers and two civilians agreed that § 87(2)(b) did not speak at any point during this encounter, nor did he cooperate with officer commands.

In the medical records received from § 87(2)(b), § 87(2)(b) did not inform medical personnel that any officers used force against him, and no injuries were diagnosed as having resulted from the incident.

Patrol Guide procedure 216-05 (encl. 1a-f) provides directives on how to deal with situations involving emotionally disturbed persons. "If such person is dangerous to himself or others, necessary force may be used to prevent serious physical injury or death. Physical force will be used only to the extent necessary to restrain the subject until delivered to a hospital or detention facility...If the EDP is unarmed, not violent and willing to leave voluntarily, a uniformed member of the service may take such person into custody."

The officers responded to an EDP with a possible weapon who was refusing all orders and not speaking. § 87(2)(b) informed the officers that § 87(2)(b) had not taken his medication and had recently possessed a pair of scissors; all statements agreed that § 87(2)(b) was obscured behind a door in a dark narrow hallway. All statements also agreed that PO Chin spoke to § 87(2)(b) at length to try and convince him to take his hands out of his pockets and come with them, instead of immediately trying to take § 87(2)(b) into custody. The police statements all were consistent in that officer safety was the primary rationale for handcuffing § 87(2)(b) as he was emotionally disturbed, uncooperative, possibly armed, and a potential threat to himself and others. PO Chin was the only officer to state that § 87(2)(b) was dragged, but explained this was done because § 87(2)(b) was refusing to walk, and resisting by tensing and flailing his body. PO Weinstein in particular said he was removed to the foyer because it is larger and better-lit, instead of the narrow dark hallway in which they discovered § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

[REDACTED]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date